

Tribal Comments to the NRRB

Yakama Tribe

- Yakama objectives for the cleanup
 1. Comply with Yakama Treaty
 2. Protect health of tribal members
 3. Eliminate sources of contaminants causing harm to Columbia River resources
 4. Follow RI/FS process
 5. Comply with all ARARs (OR water quality criteria will not be met)
 6. Actions must not rely on long-term ICs
- Believe that none of the proposed remedial alternatives meet these objectives
- Strong preference for removing contaminated sediment
- Alt G does not provide a post-construction condition that is protective of HH with ICs in perpetuity
- Alt G will not remediate contaminated sediments to background sediments
- Concern that sources within and upstream of Portland Harbor could recontaminate or otherwise diminish the efforts to remediate Portland Harbor
- Recommendations
 1. Inclusion of Alt “G Plus” that would include removal of more contaminated sediment with less reliance on capping and natural recovery
 2. Coordinated multi-program effort using EPA and State of Oregon Authorities
 3. Evaluation of long-term effectiveness by upriver and downriver monitoring before, during, and after implementation
- Issues
 1. Doesn’t comply with Treaty of 1855. Tribe would like Treaty to be identified as an ARAR or a “must comply” standard.
 - EPA’s cleanup should protect and not conflict with treaty rights.
 2. Use of background numbers that are based on upstream contaminated sources will set remedial action levels that are not protective of human health and the environment.
 - Background data is dated (10 years old) and background concentrations are expected to decrease over time as inputs are controlled.
 3. Need upland source control prior to implementation to prevent recontamination.
 4. There are many properties with the site that are ongoing sources of groundwater contamination to river.
 5. Contaminants from background, upland sources, groundwater pathways should be reduced to levels that prevent recontamination.
 6. None of the remedial alternatives meet protectiveness criteria without ICs, including fish consumption limits, in perpetuity. At construction completion none of the alternatives will meet the acceptable risk range. Since modeling was determined to be infeasible, there is no assurance that any alternative will meet the protectiveness criteria.
 7. None of remedial alternatives comply with ARARs
 8. Perpetual fish consumption advisory following implementation because waters will continue to be impaired.

9. Releases from Portland Harbor are major contributors to contamination of resources in lower Columbia River (beyond site boundaries). This has not been taken into consideration in the remedy.
 10. Portland Harbor is contributing PCBs, DDT, PAHs, and other pollutants to the Columbia River, affecting the health of juvenile salmon in the Columbia River.
- Concern that identified ecological risk demonstrate environmental threat at the Portland Harbor Superfund Site.
 - General argument are provided that describe natural attenuation as unlikely and support for additional removal.
 - New, more robust background data should be collected to reevaluate background sediment concentrations. This reevaluation would provide cleanup levels that are appropriate for contemporaneous (at or close to the time of cleanup) environmental conditions.
 - Tribe does not believe RAOs will be met.
 - Fish consumption advisories as a solution is unacceptable to the Yakama Nation.
 - Long-term effectiveness and permanence of remedies that leave contaminants in the river should consider impacts of geologic hazards and climate change such as seismic shaking, amplification and liquefaction; increased heavy precipitation events, sea level rise, and increased flood risk.
 - Natural resource injuries to the Lower Columbia River as a result of hazardous substance releases from the Portland Harbor Superfund Site may be significant.

Five Tribes

- General Comments
 1. The tribes hunting, fishing, and gathering subsistence activities not only provide tangible benefits in terms of food for tribal families, but also provide a cultural heritage of knowledge and skills that is passed down to younger generations, as well as providing opportunities for tribal members to bond over a shared activity and link generations.
 2. Urge EPA to select remedy that reduces risk to acceptable levels (for all media) as quickly as possible, with the goal of eliminating the need for fish consumption advisories in the future.
 3. Understand that it is not feasible for any remedy to achieve acceptable risk levels immediately after construction.
 4. Advocate for usage of a 10 year timeframe following construction completion (based on 40 CFR 300.435(f)(3))
 5. Believe remedy should predominantly entail removal of contaminated sediments while limiting capping to instances where contamination cannot feasibly be removed and the material is not mobile.
 6. Preference for EPA to take time to conduct additional analyses to develop the best possible remedy, even if that pushes the ROD past the scheduled date of Dec 2016.
 7. Do not agree that Alternatives B through G are protective of human health and the environment and meet ARARs (does not meet Oregon ARAR for Hazardous Substance Remedial Action Rules). The tribes indicate that there is no basis for MNR predictions.

8. Tribes encourage and support creative thinking such as a hybrid approach and urge the EPA to explore the development of a new alternative that more effectively targets risk reduction while minimizing construction impacts.
9. The tribes feel that focusing on SDUs is a practical approach to targeting remediation, but support this approach only if SDUs are expanded to incorporate any PTW or NAPL that fall outside of current SDUs.
10. Tribes acknowledge that the remedy will need to incorporate MNR, ENMR, and sediment capping, but due to the lack of tools to accurately predict deposition/erosion, suggest using MNR only in areas of relatively low contamination.
11. Climate change could change site bathymetry and should be taken into account. The climate change analysis should include more than flooding.
12. Tribes are concerned with any entity's ability to manage cap in perpetuity. Capping would also restrict river uses in the future.
13. No mobile PTW should be left in the river.
14. Five Tribes support 1-EPA inclusion of riverbanks, EPA's definition of PTW, fish consumption rates.
15. Five Tribes are open to the idea of a confined disposal facility (CDF), though concerns similar to capping remain. CDFs should meet rigorous standards and funds should be committed to monitor in perpetuity. Tribes could support an upland CDF if and only if the result on balance would be a more protective, permanent remedy. The Five Tribes oppose a CAD.